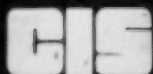


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DIALOG WITH THE ANDEAN PARLIAMENT

EXECUTIVE SESSION OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL HOUSE OF REPRESENTATIVES

ONE HUNDREDTH CONGRESS

SECOND SESSION

JUNE 21, 1988

Printed for the use of the
Select Committee on Narcotics Abuse and Control

SCNAC-100-2-7



U.S. GOVERNMENT PRINTING OFFICE

87-316

WASHINGTON : 1988

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

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(100th Congress)

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(II)

EXECUTIVE SESSION MEETING

TUESDAY, JUNE 21, 1988

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL,
Washington, DC.

The Select Committee met, pursuant to call, at 2:50 p.m., in room 2318, Rayburn House Office Building, Hon. Benjamin A. Gilman presiding.

Present: Representatives Charles B. Rangel, Frank J. Guarini, Solomon P. Ortiz, Benjamin A. Gilman and Lawrence Coughlin.

Staff present: Edward H. Jurith, staff director; Elliott A. Brown, minority staff director; James Alexander, professional staff member; Richard Baum, minority professional staff member; Rebecca L. Hedlund, professional staff member; and Michael J. Kelley, staff counsel.

Mr. ORTIZ. I think we can kick off while the news media is leaving the room. I understand that sometime back the necessity of having a regional summit came up.

Mr. GILMAN [presiding]. Ladies and gentlemen, may we convene.

Mr. ORTIZ. As we go into this working conference, let's remind the news media to please leave the room so we can continue with our conference.

As I was saying before, there might be a necessity—this was discussed before by Chairman Rangel, about the necessity or need to have a regional summit. Since you are one of the originators, Mr. Gilman, I would like to turn over the microphone to you.

Mr. GILMAN. Thank you, Mr. Chairman.

As you may recall, last year when some of us met together we discussed possibilities of having a summit conference, a conference of the Presidents of our countries to come together. I am pleased that we have some of the Vice Presidents here today.

Now if we can go a step forward and have the el presidentes get together with all Presidents and give this the kind of priority attention this deserves, I think we can make a significant step forward. I welcome comments from any of our colleagues in Latin America with regard to the possibility of bringing together a summit conference sometime before the end of this year, before President Reagan leaves office. Does someone care to comment on the other side of the aisle? I think we ought to identify ourselves.

Mr. VALDA. Gonzalo Valda, from Bolivia, representative of the Seventh Commission on the Use of Illicit Drugs.

When we had two seminars also in Quito and in Lima, we had justified the commission, and at that time there had been—we had analyzed the convenience of being able to have a summit meeting

of the Andean presidents, together with the President of the United States. And in order to make the proposal—and also in the last meetings, this was unanimously approved, and we had also thought that the fundamental aspect in our struggle against the illicit drugs, one of the main factors is the political will. There can be no plan, no program, no strategy that can be actually coherent, that can be fully realistic, feasible, unless there is the political will, and this is how we had considered or deliberated, that due to the priority of this issue and the urgency that needs to be dealt with, it was then necessary to be able to give support to the type of summit meeting, the political will at its highest level should be expressed actually in a meeting of the President of the United States of America, as well as the heads of State of the Andean countries, and certainly this could be the solid basis for strategy in order to be able to fight against the production of traffic and the consumption of drugs in the Andean countries and also in the United States.

And this was the motivation with which we actually proved this, and this is certainly a very propitious location in order to be able to say this is a need.

We have been able to progress without any doubt, especially at the government level, in being able to have the bilateral relations, but certainly not multilateral relationships, so I do believe the summit, the Heads of State would certainly be meeting where you can have a qualitative basis and assert this political will, because we think that this would affect the relationship of the United States vis-a-vis our countries and also the focus of these problems that generally has been dealt with at the bilateral level and should be dealt with at a multilateral level.

This is just general background and also the motivation for this meeting. Thank you.

Mr. ORTIZ. Anybody else who would like to add something to what the gentleman just stated?

Mr. GILMAN. I am pleased to hear the comments by Representative Valda, and I would hope each one of us would do something within our power to bring this about. We in the Congress will continue to press for such a meeting, and each of us can go back to our own countries and encourage our Chief Executives to make these invitations flow between the nations.

I think maybe eventually we can see something before the end of the year. Hopefully, enough pressure from all of us could bring that about.

I would urge my colleagues, as they return home, to once again call upon their own presidents to extend an invitation of this nature, and we will call upon our President to try to arrange for such a meeting.

Mr. ORTIZ. There is something else I would like to discuss, the economic assistance to Latin America as a means to combat incremental drug trafficking strategies and development. Maybe we can kick this around and see how we as Members of the United States Legislature can be of assistance. We would like to hear from you. If somebody would like to begin.

Mr. ORDONEZ. We have said the problem is all of ours, not only your problem, but our problem. From that point of view, we should

be helping you or you should be helping us. Otherwise we could say, yes, we could also help you. Because this is not only within our reach.

As a member of the Andean Parliament, I said in order to be able to find a solution you have to know the background of the problem, define it clearly without distorting it in any way, whether it is done unconsciously or premeditated, and I don't believe the problem—within that framework, I don't believe anyone has to help anyone, but each has to face that problem and in accordance with the responsibility that they have within this.

Mr. ORTIZ. I could see even where those of us in the United States see a very serious problem, and one of my questions has been—because when we work together we present a cohesiveness. One of the things I would like to see from my own government is for the military to go to the local officials, the sheriff, the chief of police, and I say this because I represent a border district that borders Mexico, and we go to officials and tell them, "How can we as a military be of help to you?" And this is one of the questions that is repeatedly asked of me by my chief of police and the sheriffs in my district, because we have yet to do that.

So this is why maybe we can't—I certainly appreciate and respect the opinion of our friends here. If anyone would like to add something to that.

Mr. SANCHEZ. It has already been stated by the representatives of the Andean Parliament. The problem is very complex and in order to reduce the problem to military controlling that, we would only be focusing on a very reduced dimension of this problem.

We in parliament have seen since 1980 that this is a complex problem and we find that there is a very strong interrelationship with the other two issues that have been debated in the Andean Parliament, and we consider these issues of priority. This is the issue of terrorism and also foreign trade. These three issues are closely interrelated and we, for example, cannot speak about the crop substitution or elimination of certain crops if we do not offer crops that will have an international market.

The coca case of Peru, for example, last year I participated in a meeting of the producers of coffee and coca, and coca is perhaps less complex than the other two crops, so even though we can give all kinds of talks and try and convince, et cetera, we cannot go against reality, and the reality is the production of coca certainly is more profitable than the other two crops.

So then the problem has to be analyzed in a very general way and I think that it is closely interrelated also with terrorism.

For example, in the case of Peru, in the case of Colombia, you only have to see the statistics. The information is very concrete. It is a closer direct link, the profits of cocaine, et cetera, and the crops, et cetera, are being protected by them. This, of course, there is a lack of control there for part of the state in order to be able to reduce this or at least to try to eliminate it.

So then I do believe that this meeting is extremely important because this raises the word the problem is not a North American problem, it is a world problem. The United States market has a problem, then of course the drug traffickers are of course opening markets in parts of Asia and also Europe.

So then as the United States is not to believe in the danger that existed before and I think now the facts are showing exactly the contrary. I think other economic powers have to realize where the use is also being affected you are compromising the future of a nation. This is not a struggle from rich and poor countries. This is a struggle of humanity against some of the most important transnational, actually economic problem and economic crisis is going beyond and other problem.

I think besides the value system, ethical system, et cetera, you are dealing with the future of humanity and the future of the countries and I think it should be analyzed not only within the military aspects internationally, because we are not going to solve this with bullets and also with bombs, but it has to be solved in the same way you are presenting now, with education, with economic administration, and with education and other things.

Thank you.

Mr. LEONI. I am talking about strict military aid or are we talking about a general policy of substitution of crops or things of that sort?

Mr. ORTIZ. I think it is both really. We talk not necessarily about sending the military but crops. He brought up a good subject about helping the farmers subsidizing the crops. You cannot compete. The coca has a better price than coffee or anything else. Maybe we can discuss as to how working together we can try to solve this problem.

Mr. LEONI. I think now that I have clear your statement, that at least in our country—I can't talk for all countries, but in our country the help and equipment would be more welcome. We have a very extensive border area with our sister republic of Colombia and on our borders we have a guerrilla problem mixed with traffic of drugs. It is a great problem and we need help to fight the type of operations there.

We are receiving help from the United States right now. We are using four or five helicopters that were given to us. This type of help, I think it is more than welcome, because this equipment is very costly and due to the fact that our economies are right now going into depression because of our external debt, it is very hard for us to divert resources to buy military equipment.

In that sense, I would say that these kinds of cooperation would be more than welcome.

We also talked yesterday about maybe using satellite surveillance, and having the information so that we could use it in fighting the drug traffic. I think that would be also a very important thing to consider. Our countries are not able either to buy a satellite and use it for these purposes because they are very expensive. In this sense, I would say that you could be of very much help to our country.

In the cases of Peru and Bolivia, maybe they are different, and have economies that are highly dependent on the production of leaf coca. The policy would have to be different, has to have a different approach. But in our case, I think it would be very helpful if we could get the appropriate equipment to fight the drug dealing industry.

Mr. ORTIZ. A very good comment.

Anybody else that would like to add something?

One of the things we have kicked around, if I understand correctly, is that the Dominican Republic has a very state of the art communications system with some of the states to where they can interchange information and people that might be wanted from the United States in the Dominican Republic or vice versa, and they are able to interchange and communicate back and forth.

I don't know if some of this equipment is now available to you, whether you are utilizing some of this equipment now. I think this would be a good step to interchange all this information.

If I understand—am I correct, Ben—that the Dominican Republic has such a system?

Mr. GILMAN. Yes, yes.

I might add to that in relation to what Representative Leoni has said, in our foreign affairs provisions, the new bill that is coming out has some funds in there for the kind of equipment you are talking about, earmarked, for example, \$900,000 in NAPP funds to civil defense anti-narcotics vehicles and \$2 million for IMET funds in Latin America and the Caribbean, including defense mobile training teams, on the request of the foreign government to help train.

It also earmarked \$3½ million for weapons and ammunition to Latin America and Caribbean places for narcotics control purposes.

It provides some additional international funds to take care of the equipment needs between the countries. Now, this is a proposed bill and we hope it will become part of the new omnibus measure which we hope to pass before the end of this session, that is currently underway.

Mr. ORTIZ. Thank you.

Mr. GILMAN. Mr. Chairman, I would like to change the topic for a moment, if there are no other questions.

Mr. ORTIZ. I think the gentleman would like to respond.

Mr. GILMAN. I am sorry.

Mr. VALDA. Thank you very much, Mr. Chairman.

Mr. Gilman and Congressman Rangel have been very gracious and they accompanied us at our meeting when we were discussing this very topic. It is very good that we have an opportunity to reiterate some of the things that we said concerning economic assistance.

First, we feel that the fight against drug trafficking will depend on true political willingness on the part of all of the countries. It is not something that will be resolved through the Draconian laws or spectacular interdiction actions. This is what we are saying within the Andean countries, but I believe that the United States is also cognizant of that fact, that we must act jointly. Otherwise, we could not justify a country offering us assistance that would work against our clandestine production of drugs. Our countries do not have the technical know-how and we cannot do anything in that respect, but the economic assistance is very much linked to the problem.

Also, in the case of interdiction and the crop substitution is something which is being successful, not only it is not an effort of our own, but internationally the success that we have had has been acclaimed.

But I believe that the financial assistance is of the utmost importance, particularly when we discuss the alternative rural development programs, particularly what is to be done with the farmers who grow the coca leaf, and as we were saying this morning, the possibility of utilizing certain markets that could guarantee placement of these alternative products.

We were saying that perhaps a GSP of the United States could have some special provisions so that not only our products will become competitive, but that they also are part of the trade policy of the United States and of the economic community in Europe, so that we could place our alternate production in those markets. But it should be oriented not only to interdiction but also in land and rural development, particularly where coca production is rampant.

Mr. ORTIZ. Thank you very much, Ben.

Would you like to add something to that?

Mr. GILMAN. I would, Mr. Chairman, like to take up another topic. As you know, all of us who have been concerned about eradicating the coca crop have been trying to explore new ways of eradication. Some of the nations have been against spraying with an herbicide. Some have tried to eradicate through manual efforts and in a very scientific research study came forward with a new herbicide that proved to be quite effective, by the Eli Lilly Company.

You probably all are aware even though it is an effective herbicide the Eli Lilly Company has been reluctant to utilize that herbicide because of their concern of litigation and also concern for retribution by some of the traffickers.

We in Congress have already considered some legislation to have the government take over that kind of a herbicide and make use of it, providing the host country is willing to make use of the herbicide. I welcome some comment from our colleagues about how far we should be going and what we could be doing to utilize an herbicide to effectively eradicate the coca crops.

Mr. DELGADO. Concerning this point, sir, there are certain issues that are considered matters of principle. We would prefer the use of passive methods, methods that are obligatory, which doesn't mean that you might not use these rather persuasive methods when these persuasive methods do not work against the illicit cultivation of these illicit plants.

It is most important, however, that there be full knowledge of the problems. In Peru we have been informed lately, and there have been reported in the media, as to the influence these herbicides would have on our ecology. So that things must be very clear as to what is the opinion of the scientific community throughout the world. They must be able to speak and say how these herbicides are used in the development nations. Are they being used in the United States? Because this could lend itself to some political maneuver. Then they would say yes, you can test this in the underdeveloped nations something that you would never test in a developed nation, so that if this is not handled with sufficient sensitivity and with the true scientific participation and participation of the scientists in your own nation, the damage it would create would be much greater and this would affect greatly our eradication efforts by scientists and many other sectors of the community.

So that the nations are fully aware of what is going on, so that everyone is fully informed and so that this is done so the issue couldn't work against you.

Mr. WEINSTEIN. If I could respond to this last comment because it is extremely helpful in our understanding in North America about sensitivity of this issue. Would it be fair to state if a specific herbicide was tried on our own crops, if we used it to eradicate the marijuana crop which came up in various parts of our country, if it could be shown in part to the people of the Andean countries, becoming specific for the moment, that the people of the United States were prepared to accept the impact of this herbicide environmentally in our own country, would that make a difference in your opinion, of using a specific herbicide within your own country?

Mr. LEONI. We have been using herbicides for other crops other than marijuana, on plantations of coca or marijuana. I don't think it would make much difference if the products used are the same products in other countries. After all, they are being used.

Mr. GILMAN. Are you prepared then to accept this kind of herbicide?

Mr. LEONI. Sure.

Mr. PELAEZ. Speaking of either measures, such as the confiscation of acres, not only the equipment but also the land and the property. If the government through sanctions, can expropriate the land where the plant is being cultivated I do not see the need for running the risk of using any toxic substances. Rather, what we have been speaking about here is that in those lands that have been confiscated, you could begin experimental farms to cultivate products and put substitutes for coca and this would be a solution, and we would not be running the risk of damaging the ecology, but use those same lands by experimenting substitution products.

Mr. ORTIZ. We do have a vote. We will recess and come back.

Mr. PELAEZ. Perhaps Mr. Leoni can be our spokesperson.

Mr. WEINSTEIN. Mr. Chairman, do you agree that we continue?

Mr. PELAEZ. Perhaps we could discuss the terms of our joint communicate. Is the copy ready? Perhaps the executive secretary, Mr. Milos, could provide us with a text, a joint statement?

Mr. MILOS. We were just adding the corrections. I don't know if any of you have a new text, because it is being typed at this very moment. Since we had the text, I distributed it, but mine is the one they are now correcting.

Mr. PELAEZ. Sometimes in private, certain comments are made which we don't make in public, right? Much has been said and I was told that since I was coming to the United States to meet with certain Congressmen and since I was going to be meeting with State Department representatives, please ask them what they do with the cocaine that is confiscated. Because we destroy it. That least we destroy it. We burn the marijuana. We throw, it in the sewage pipes before the authorities and the attorney general of our nation.

But we do not know, nor have seen in the papers, nor in magazines, that cocaine that you confiscated is being destroyed?

Mr. JURITH. Ed Jurith. I am the Staff Director of the Select Committee.

Under our rules of evidence, unfortunately, the police agencies are required under a chain of custody of hold on to a certain amount of evidence prior to the trial of a criminal procedure laws require that. However, the bulk of the confiscated marijuana, cocaine and heroin, is destroyed by our Federal agencies. I know we burn the marijuana. I am not too sure exactly what the process is for destruction of the cocaine.

Mr. LEONI. It is burned.

Mr. ORTIZ. It is burned. Under our rule of evidence we are required to hold on to a certain portion of this evidence for trial and in some cases, we have to hold on to large volumes of it, pending the disposition of the case. But it is all ultimately destroyed.

Mr. WEINSTEIN. I think it can be presumed the overwhelming amount of this—and we will check into it and I will send a communication to Milos with specific information on what is done about it, because I will check with the relevant government agencies. But my presumption has been that virtually all of this is eventually destroyed, but because of the problem of needing evidence of the court before the case is decided, it has to be kept for a very long time in custody.

This has led to some very serious problems, because of the value in illegal commerce of this material. It has led to the compromising of a number of our police officers. It is not a happy situation. But our legal system impels us to engage in the maintenance of this material until after a trial.

Mr. PELAEZ. There are instances, as you are aware, when one or more nations work in cooperation with the United States on an illegal drug matter, and valuable assets are seized. Could you tell me who those assets go to and is there a possibility of creating a fund so that that would revert to the countries that require help in order to combat the drugs?

Mr. JURITH. That is going on right now. As you know, we have in the United States, very extensive forfeiture laws directed against drug trafficking organizations, where the illegal profits and proceeds and property in that sense of convicted drug traffickers are forfeited to the Federal Government, as well as to state and local governments who in turn have their own forfeiture procedures.

For example, last year our Drug Enforcement Administration seized more property than their entire budget. I have some figures at my fingertips of the FBI, the Federal Bureau of Investigation. Last year, for example, the FBI seized approximately \$61 million in assets and approximately \$40 million of that money was actually forfeited, turned over to the Federal Treasury.

What do we do with that money?

We have a couple of funds in the Justice Department and Customs Service, where a certain portion of that money is turned back to those agencies to be used in law enforcement operations.

We are also exploring in the new drug bill that we are going to be taking up very shortly, in the next couple of weeks, other uses of the forfeited funds.

Señor, in answer to your last point, can we share some of these assets with countries that participate in making cases in joint investigations with DEA, Customs, and the FBI, we have that procedure in law. In the drug bill we passed in 1986, we established the

authority that would allow the Justice Department and Customs Service to share assets, seized assets with other countries. However, we need a treaty between two nations that permit that.

For example, I know we are in a situation now in Thailand where the Thais earlier this year participated in a major heroin seizure, heroin investigation in New York City that led to the seizure of millions of dollars in assets. The Thai Government has now put in an application to share in some of those proceeds, as they rightly should do.

Fortunately, even though our State Department—I should say Attorney General Meese has signed a treaty with the Thai Government that would permit sharing of those assets, and it has already been ratified by our Senate, the Thai Parliament, unfortunately, has not ratified the treaty.

So I think what we should look at—I know this is something that OAS is looking at in their deliberations—how we can have uniform laws and treaties addressing this issue. I think that is something that should be included where we work together on investigation in cases, where there is a substantial—or any seizure of assets and properties, that should be shared not only between Federal and local police departments, but between international police agencies, and the countries that cooperate in those investigations.

Mr. DELGADO. Have we concluded this point?

Mr. PELAEZ. Yes.

Mr. DELGADO. I wanted to talk a little on the problem of herbicides, so that you can understand what is the first knowledge that the public has and our public citizens with respect to the herbicide that is known as Spike, is it? Well, the laboratory has waived its production. Some of them say that they have not—they are no longer producing it because of the threats made by drug traffickers on the branches of these laboratories throughout the world.

But, for example, our people are not informed of the fact that it has been limited in use in the United States or in other countries of the world. The media is manipulating this. If you wish to use a product then you must be very careful because particularly in the underdeveloped world, some tests have been made, tests that have not been carried out necessarily by the developed nations of the world, but simply because there have been businesses, businesses of selling products that are no longer—dated products, for example.

These have created very negative publicity, so that something of this type would, from the outset, make our program fail. Because the political issue is so important, we must handle this very carefully and must work jointly.

Mr. WEINSTEIN. May I respond to that?

On several occasions, as representative of the United States Government to various UNESCO conferences, I had occasion to deal with the policy problems of the question of corporate labeling, international corporate labeling, testing of products in certain countries and not of others, not by any means exclusively a United States problem.

Of the 10 corporations involved were European in origin or Japanese, and the rest, but still, we had some problems.

I think there has been great sensitivity in the Congress and in this Administration and in previous Administrations on a bipartisan basis, to this dilemma.

I also share your view that ultimately we in the United States have not been good salespeople of this. This is information that is commonly known, that we are not, as far as the best of my knowledge, offering any herbicide that has not already been used on American crops, on U.S. crops, that has not been tested in the United States. But that is not the way it comes out, if you pick up a paper or watch a television show that is being directed by those who are not interested in close, candid relations between our friends in Latin America, and ourselves.

Now, how does one deal with that? Does one deal with that—there seems to be three ways of dealing with that.

The first way is the easiest. That is to reject all herbicides offered by the U.S. Government. It solves the immediate political problem perhaps in your country. It creates a political opportunity for those who would like to, not to cooperate but to point fingers, say see, we offered, they wouldn't take it. Everybody is happy on the political level but it is not a solution.

The second way, it seems to me, is to simply forget about it, just not to do anything about it, forget the herbicide issue, take it off the agenda. That also would seem to me to be a victory for the narcotics traffickers.

The third way is more difficult. It may require some imagination. It may require politicians in the Andean countries to say to their people, to Congressmen and legislators, see, we forced the United States to test this on its own people before it came down here, to declare a victory on this subject, and to move ahead.

It may, on the other hand, require the United States to provide all sorts of documentary evidence to you. Say here, this was tested there, there, and everywhere, so that it comes with an acceptable public relations package, if you will.

But it is not a full answer. As you say, Mr. President if one can confiscate lands, if one can take them off the market, a much better way of doing it is without worrying about environmental issues. But in the real world that isn't always possible, or it takes so long you have given the narcotics traffickers several years of free use of this land before the legal processes are exhausted in a country, whether this country or any of the countries from the Andean region.

My only argument is we have to find creative ways, as Congressman Gilman was suggesting, as Congressman Rangel has suggested. We have to find creative ways of working on this issue together to move it along, because herbicides are, I believe, a part of the answer, not the whole part, but a part of the answer.

Mr. PELAEZ. On that point, I would like to say that it is not that we distrust completely but I do want to make some comments. Let's suppose that in effect we use a herbicide that was already tested here in the United States but we also know and certainly the technicians know that better, that there are certain soils that are spoiled because chemical products are used indiscriminately, and there are certain procedures in order to be able to recover those lands.

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Now, this knowledge, these procedures, this know-how, you have it. It is very advanced and certainly lands that have been affected by erosion, lands that have been affected by toxic and chemical substances, you have recovered these lands. We do not have the know-how. We do not have the means.

So I think, yes, that here, yes, fine, here we use them, but we know also that afterwards we can recover this land, whereas, well, they are used and those lands are lost forever.

Mr. WEINSTEIN. Unless we provide environmental help, not just us, but perhaps our European friends, and others, work in a multi-lateral way to provide the support that can allow you to say to your people it is not simply the spraying, it is going to be the spraying and the technical assistance that assures that there is a follow-up on this that helps the farmer.

That is not out—we are still very capable of transferring agricultural technology. If we have not done so adequately in this area, it is not a failure of technology or resources, it is a failure of imagination and perhaps it is one we must correct. But it is part of the package and ultimately my own experience in this world is that one has to begin by breaking down the mythologies. If you can get back down to real life between friends, the most issues are workable, because in the end, it is more important that your colleagues in the U.S. Congress, who are here, and will be here again shortly, that you establish a working relationship and any single policy be put into effect.

Because, on that working relationship, will depend, to a very substantial extent, the future of our ability to cooperate. That is the simple point.

But sure, I can't imagine. Maybe there should be someone here from the Department of Agriculture, I don't know, to talk to these issues. Probably should.

Mr. TRAGEN. I would like to say that Inter-American countries have created an Inter-American Institute for the cooperation in agriculture and in Caribbean countries, in addition to Costa Rica and perhaps through IICA, we can also discuss this issue of the herbicides so that this will be an Inter-American focus and not an imposition from another country.

We have an instrument that has been already created by all of the ministers of agriculture in the continent and perhaps through the press of the IICA, then, we can ask for their cooperation and as far as the issue of herbicides are concerned, and also the way in which these countries can be consulted as far as this subject is concerned.

Mr. PELAEZ. Where is the document?

Mr. MILOS. The document has not arrived. I am going to see if I can find it. Maybe we should have a recess.

Mr. WEINSTEIN. Can we adjourn for five minutes, Mr. President?

Mr. PELAEZ. Well, I have a question. Perhaps it will wait for the Representatives to come, because it is an opinion but I certainly want to hear their points of view and I want to see what is their opinion that a drug trafficker has been brought to this country from a Central American country, where you have an extradition treaty and he was brought here.

I just want to have their opinion on that when they return here. Honduras.

Mr. WEINSTEIN. Of course, this is not their opinion necessarily, but if I may, since our center does a great deal of work in Central America, and I was in Honduras only 2 weeks ago, and I met with President Azcona and the leaders of the Congress, and others, and we met with some of them here in Washington before that—shortly after the drug trafficker was brought to Washington.

My own view of the Honduran reaction to date, up to this point, especially among our friends, and I have personal friends in Honduras—is that they have been very generous. It has been a difficult situation for them to deal with, particularly among those within Honduras, who do not necessarily wish the United States well. But it has caused great anger and great aggravation, because it is quite clear that ultimately with the complicity of the military at some levels, this was done outside of normal, legal processes, normal constitutional processes.

I think in the end it has been a problem which creates an opportunity for all of us, because I doubt it will ever be done again quite that way anywhere in the hemisphere. I think it has dramatized the need again to deal creatively with the underlying problem.

This man is by the evidence of inter-American—by not just U.S. evidence, but evidence that came from inter-American groups, this man is a notorious drug trafficker. He basically used his Honduran sanctuary to hide from other activities in other countries. He gave money away, played Robin Hood to the Honduran kids on the money he gained from the suffering people who bought his drugs. So I personally do not wish him well.

On the other hand, I wish there was a better way of dealing with such people. They exist in all of our countries now, and at some stage of the game, whether it is through the question of developing the idea that has been proposed of all the various parliaments, declaring narcotics activity of this kind a law against humanity or in some other fashion, we are going to find more and more tensions among us unless we come to grips with the issue of extradition.

Not that we have all the answers to it, but we await other answers better than ours. I talked to enough Congressmen and Senators, people on the staffs about this issue. No one pretends to be an expert on it. But the problem is there and it is there to be solved. If we do not solve it, there is only one beneficiary—the narcotics traffickers.

Mr. JURITH. To follow up on that point, nobody in any responsible position would advocate extra-legal means to deal with the problem, obviously. But I think that we must all be cognizant of the fact we are all dealing with a much more powerful, and ruthless criminal organization internationally than has ever visited itself on this planet, who have no respect for procedures or right to vote, to say the least.

We can see things happening in our own countries right now, because of the frustration of many neighborhoods where the local police cannot adequately protect them and they are forming their own patrols, their own vigilante units, if you will, to protect themselves from drug dealers and drug traffickers on our own streets here in the city.

The Muslim Religious Sect is controlling housing projects because there is a belief that the police cannot protect the citizens. It is right here in Washington, D.C.

Now, again, I am not trying to justify any type of illegality that may or may not have taken place in this one particular case, but I believe that is indicative of the same type of frustration that forces good and decent people to take the law into their own hands and to rely on themselves.

Until we come to grips with the end line problem, I think we framed an extradition treaty that on the one hand preserves the sovereignty and tradition and legal procedures of the extraditing country, but at the same time, is responsive to international legal order. I think that is enough of a problem.

Mr. TRAGEN. It would be convenient—we had a meeting in Costa Rica a little less than a month ago. It was presided by Mr. Comopote, we invited the representatives of at least 16 Latin American countries in order to analyze the legal part, the legislation, or also the gathering of evidence, the judicial process that can perhaps be oriented in order to be more expeditious vis-a-vis the organized criminal sector.

One of the measures that was suggested at this meeting was the specific possibility of having an inter-American convention treaty on extradition. That is to say, not only doing it at this bilateral level but having an inter-American level, and also at the same meeting there was the idea of an inter-American declaration, that is to say through a convention that this should be considered a crime against humanity. So then we can try to create a multinational jurisprudence in order to be able to face an international crime.

And if we are able to find a basis for an inter-American relation to extradition, then perhaps we will be able to solve certain problems in some activities that have been facing us in this issue. Also, in 1980 in Caracas, sign an inter-American convention on extradition. Until now only the Government of Venezuela has ratified such convention.

So then the General Assembly of the OAS has requested the Inter-American Committee that they should study why this convention has not been ratified. This on the one hand, and on the other hand, trying to establish or create new bases on which one can have an expeditious American action on this subject.

I only wanted to say that there is actually an instrument, an inter-American system, to analyze this issue. In San Jose we requested a priority that this be dealt with with great urgency to be able to finish the study in relation to this Inter-American Convention on Extradition, and obviously this is one of the base issues, and I think if we can deal with this also in the inter-American jurisprudence and also declare that this is a crime against humanity and have standards throughout the continent in order to be able to face this problem.

Tomorrow at 9:30, the President of SECAL is going to be meeting with the members of the Seventh Commission of the Andean Parliament so that we can discuss also the interests of the Andean Parliament and also the plans that will be dealt with at the next meeting, and there we will distribute also copies of the report of

the meeting so that we can perhaps then see how we can best coordinate the efforts of the Andean Parliament, and we can cooperate in a very special way in order to be able to face all these issues that are of great importance in our struggle against drug trafficking.

Mr. WEINSTEIN. If I can add a word, because I wanted to brief him on some of our discussions this morning. You heard I think virtually every U.S. Senator there refer at one point or another to the extradition issue, and I have to say since President Pelaez raised the question of the extradition of the gentleman from Honduras and wanted to know what you thought of this, and other Congressmen, and I assume you will be telling him, but the fact is that when Senator Kerry this morning referred to Nigel Bow, for those who don't know Bow's case, he is an alleged, I think even a convicted in some courts, but convicted narco trafficker, money launderer and the rest, had a dealing with the highest officials of the Bohemian Government and his extradition has been wrapped upon in the Bahamas now for 6 years obviously with the government of the Bahamas less than interested in having Mr. Bow testify before a United States grand jury or any other grand jury.

This question of extradition, it seems to me, requires an extraordinary amount of both imagination and intense focus because it will not drag on from the perspective of the United States. It will affect in a negative way our attitudes as a country forget whether you are a Democrat or Republican or liberal or conservative.

There is a sense that our friends, we and our friends, must cooperate to find an intelligent, rapid means of dealing with the question of bringing these people to justice, whether they are brought to justice in the country that they are in or—the country they are living in, the country they are a citizen of, the country they have broken the laws of, those are questions the lawyers should determine and legislators, but the issue will not go away, and I cannot stress to you what the ordinary citizen of the United States, how they feel about that issue.

It personalizes the fact of the problem, so that if you took a poll in the United States, you would find that 99 percent of the American people think it was a wonderful thing to bring this gentleman from Honduras, it was a wonderful thing to bring Mr. Lehder here; however, he was brought there. It was a wonderful thing from the point of view of the ordinary citizen to bring him to justice, to bring him here, that any one of our friends will help bring him here. We will run a Federal Express, and you will not find any opposition in this building or building across the way.

If we are not going to deal with things in an extra parliamentary way, if this is a crime against humanity, if it has reached that point, I would suggest that you legislators have your work cut out for you in terms of declaring it.

Mr. GILMAN. I am pleased you raise that issue, Alan, and I would like to note that in the bill that has been reported out of the Foreign Affairs Committee, it will be part of the new Omnibus Anti-drug Act. We have a section dealing with this, section 305, and it is entitled "Extradition and Mutual Assistance Treaties, the Model Comprehensive Antidrug Laws".

Let me read you the findings in brief. These are the findings in that section and conclusions they have drawn. "Section 133 of the Foreign Relations Authorization Act for fiscal years 1986 and 1987 were enacted in August, 1985, directing the Secretary of State to increase United States efforts to negotiate extradition treaties relating to narcotics offenses with each major drug-producing country."

Section 803 of the Foreign Relations Authorization Act for fiscal years 1988 and 1989 that was enacted last year, in December 1987, directed the Secretary of State to ensure that an objective, the United States diplomatic mission, and each major illicit drug-producing or major drug-trafficking country be to ensure that drug traffickers can be extradited to the United States; and, third, although some progress has been made pursuant to these directives increasing international law enforcement cooperation with respect to illicit drug trafficking, much greater law enforcement cooperation is required in combatting the illicit drug problem.

Therefore, the Congress directs the Secretary of State to place greater emphasis on updating extradition treaties and on negotiating mutual legal assistance treaties with major illicit drug-producing countries and major drug-trafficking countries.

To underscore what Dr. Weinstein said, Congress is very serious about the necessity of coming to agreement on extradition with all of our friends and neighbors in Latin America. We must find a way to make certain that the drug traffickers are brought to justice and brought to justice effectively.

If a crime is committed in your country, then you can deal with it; if it is a crime against our Nation, we ask they be permitted to be extradited so that our courts can deal with the problem. And until we put some teeth in our laws, put some of the traffickers behind bars where they belong, we are not going to make a major dent in what we are seeking to do, and that is to make a proper reduction in narcotics trafficking, abuse and production.

I am hoping that our colleagues will join with us in this effort to remove all of the roadblocks and see if we can't get some model extradition laws passed by all of our nations. Perhaps by putting a regional committee to work on this, we can expedite all of this. If we have a regional group representing some of the nations involved, we can iron out many of the problems.

I would welcome any further comments.

Mr. VALDA. The views that we have just heard are most important for us of the Andean group. When we were commenting specifically on the extradition problem, we felt that extradition has become like a panacea. In other words, there is a certain image which is that extradition will be the great solution to all this problem. But that is not the best or the only solution. It is a palatable solution, a useful one, since we have two types of limitations in the Andean countries, but I also believe the United States has certain restrictions on that. One of their limitations is the legislative one.

In other words, we have laws which in some cases are not very well harmonized in the Constitution. There is no adequate provision for providing reciprocity of treatment with respect to certain crimes. Naturally, we must harmonize our laws.

And as we have said this morning, at the University of San Bolívar, they are examining special legislation or an omnibus law for all of these countries. So that we are aware of the fact that there is a legal limitation, but there is another limitation, and that is of a human nature that has to do with the limitations of the jurisdiction and the limitations of our own public officials who are faced with the gravity and the magnitude of these crimes. They have not always acted within the law. They have not always acted as set forth in our legislation.

In the case of Bolivia, for example, that we are discussing the details of in this bill, there is an interesting proposal which we shall examine, and that is the creation of collegiate bodies who can try these drug traffic cases in order to avoid the possibilities of the inapplicability of the general law so that we have these limitations both in a legal and in a human form.

But we must examine the topic of extradition more from a multilateral viewpoint. It should not be only a treaty between the United States and each one of the countries but rather it should be a multilateral agreement, a solution on a multilateral basis so that it will stop being merely palatable and will provide a permanent solution.

Mr. DELGADO. Mr. Chairman, with respect to extradition, we in Peru in the Senate have adopted a bill which has now gone to the chamber by which we are providing with extradition when it is not a matter of Peruvian citizen but especially when he has been accused of drug trafficking and terrorism and that are subject to not only international law but other international agreements, but in our Constitution, we have no prohibition on extradition, but it is limited to these two crimes against humanity, in other words, terrorism and drug trafficking.

Mr. WEINSTEIN. Mr. Chairman, if I could say a word in response. First of all, I think it is imperative that any North American who comments on the question of extradition in the countries of the Andean Parliament begin by taking a deferential bow to all of your countries. You have fought in the past, you are now fighting in different places, different problems, but the narcotraffickers, guerrilla movements, terrorists generally, you are defending your democracy in ways that we have not had to internally in our country for a while.

So what we owe you, above all else, is our support. Because in your case, and it comes at the price often of your lives, of some of your bravest officials and others, and no one can ever raise the extradition question disrespectfully in connection with this, but it is a problem, it is a problem. And it should—precisely because you are defending your democracy against those who would jeopardize it by violent and terrorist means, whether they sell narcotics or sell extremist ideology, or whatever their panaceas are. The word "panacea" was mentioned before.

Precisely for that reason, we must all find a means of moving quickly in a multilateral way to deal with this issue, to put it behind us, because the word we should be using is not extradition for the phrase that is "appropriate punishment of these people", appropriate punishment. They have broken the laws of our coun-

try, of your countries, in whatever fashion. There is no romanticism about that.

Maybe in some distant places, just as we have had bandits, you heard the names Bonnie and Clyde, we have had outlaws throughout history, Jesse James, Al Capone, who have a fantasy following. Some people in their own immediate neighborhoods think they do well and react well to them. They distribute money, therefore—at least some people like them if they get the money.

But there is nothing romantic about these people. They have created for the same reason outlaws in this country in the 1920's, and since then tried to create a myth of their own nature, the narcotraffickers have tried to create a myth of their own fanaticism: We are not narcotraffickers, we are nationalists, we will pay off the national debt. They will do nothing of the sort. They are good public relations people, and the real problem with democracies is most of the time we are not good public relations people. We don't sell our own case well.

On this issue, we have a very strong case to sell. I don't know what body will pick it up, the Andean Parliament, the Rangel-Gilman committee here, some combination of groups has to come up with a strategy for dealing finally and forever with the extradition, getting it done.

And my view is that once people start on the task, it will prove easier than—if it is done cooperatively, it will prove much easier. Thank you, Mr. Chairman.

Mr. GILMAN. Those points are well taken. Does anyone else have any comment on this issue? If not, Mr. Chairman, I see that we have a proposed draft in front of us and a joint declaration. Can we discuss that?

Mr. Chairman, we would like to suggest, in the fifth paragraph it talks about the goal and that the goal be revised to read that the goal must be to, and strike out "to bring a total"—"must be to expeditiously eliminate the consumption of drugs in all nations."

We are also suggesting, Mr. Chairman, a revision of the last paragraph to read, "We agree in underscoring"—strike out "The United States of America", "That all nations should cooperate in providing materials, equipment, training, loans and other resources."

The last paragraph would read, "We agree that all nations should cooperate in providing materials, equipment, training, loans and other resources in order to establish strategy", et cetera.

Those are the only two suggestions that we have from our side of the fence.

Mr. PELAEZ. In this last paragraph, perhaps it can be more consistent if we agreed on that all nations should cooperate and provide equipment, et cetera, must cooperate in providing assistance, and thus prepare an international strategy, and thus draft an international strategy and mechanism, et cetera, instead of detailing material and equipment and loans, et cetera. In other words, to provide assistance because everything, as we have said, is an assistance, is aiding. So we agree in that all nations should cooperate in providing assistance in the establishment of a strategy, should provide assistance in order to support the creation of an international strategy.

Mr. GILMAN. Do you want personnel in there? Did you suggest that before?

Mr. PELAEZ. But not in this paragraph, it is not advisable to individualize this type of assistance.

Mr. GILMAN. Would we agree all nations should cooperate in providing assistance in order to establish an international strategy, et cetera? Is that right? We certainly have no objection to that.

Mr. Chairman, I would like to commend our staff people for putting this all together. If there is no further amendments, I would like to move that we adopt this declaration.

Mr. VALDA. Thank you, Mr. Chairman. In the third paragraph, together with our colleagues in the Peruvian Delegation, we are examining the paragraph so that it would not affect our sensitivity because please remember that this document we wanted to be coming out of a consensus, and we would like to propose the following draft.

Our countries should propose specific programs or goals during the next few years to eliminate the growing of coca and promote the other crop suggestion programs, because we are including eradication, as well as replacing it by crop substitution on a voluntary crop substitution. When we add the second component, eradication of illicit cultivation, then this would mention the coercive nature. Well—but the legal plantations are these supplementary plantations.

In other words, substitution—but eradication is mentioned, of course, so we could use other types of methodology, yes, I understand. But I feel that this draft, when it is in English, since we are not too familiar with these—this terminology, is not going to be understood by our people.

You should incorporate it, it is not redundant to say, I was saying there is a qualitative difference between substitution and eradication. Eradication would be the total extermination of something. When we speak of substitution, that will enhance our understanding, in other words, it will be the traditional fields approved by law will continue, and this might have to do with only the translation into Spanish.

Mr. BLANCO. Mr. Chairman, I wanted to make a comment. Each one of our countries interprets as its own reality in the fight against drug trafficking, but we fully understand the position of the producing nations when they defend the term "crop substitution". We understand the depth of the economic problems this represents, and that is why we speak of substitution.

Now, this draft deals with eradication, has to deal with our countries. In other words, our countries that are being used as bridges. In Venezuela, there is a very small-scale some production of psychotropic and other drugs, particularly of cocaine, and what we do not want is for that cultivation to be generalized. We want it to be eliminated.

If a legitimate use is desired, then the illicit assumption would not be valid because that would be controlled by the State. So that we understand how interested you are in having the word "crop substitution", but as far as we are concerned and our enforcement problems and our security and the defense of our integrity as na-

tions, the term should be "eradication of consumption". But the draft wishes to cover both the needs——

Mr. GILMAN. Mr. Chairman, if I might, we joined by our illustrious Speaker, James Wright of Texas, who came to greet our colleagues. Speaker Wright.

Speaker WRIGHT. Thank you very much. I express my apologies, particularly to our guest whom I seem to have interrupted. I recognize you, I guess, from Venezuela. What a pleasure it is to have all of you.

This is unquestionably an important subject to everyone in our whole Hemisphere. Nothing contributes more devastatingly to the destruction of the integrity of human kind than the prevalence of drugs that ensnare and entrap the individual into a dependency which robs him or her of the most fundamental independence that exists in creation.

And to the extent that we are working together and begin to put a stop to the traffic in drugs, surely we will have rendered a service to humanity en masse, as well as to those individuals who otherwise would be enslaved by this monster.

So thank you, and thank you for coming. I apologize for my intrusive appearance at just this moment. I have been engaged in some things I was unable to extricate myself from.

Your chairman, Mr. Gilman, told me of your being here and asked me to come, and I would like to express to you how much we appreciate your appearance, the whole Congress on whose behalf I speak welcomes you and hopes that your stay will be a productive one as well as an enjoyable one. Thank you very much [Applause.]

Mr. GILMAN. Thank you, Speaker Wright.

Before the Speaker leaves, I would like you to know that the Speaker gave the leadership and strong support to bring together the 1986 Omnibus Antidrug Act and is engaged now to try to bring us together on a 1988 Omnibus Bill. Thank you.

Speaker WRIGHT. I have the utmost faith democracy shall win these issues, even the drug problem. [Applause]

Mr. SANCHEZ. Among us there is a slight difference on the elimination of the drug problem, but on this specific paragraph 3, our countries should define specific goals during the next few years to expedite the eradication of illicit drugs.

Why? Because in the case of Bolivia and Peru, there is a traditional cultivation of coca, it has to do with our own nationality. We have had anthropology from which we have representatives from Bolivia and Peru and from that time on, we have depended on our traditional coca production. So, very specifically we have separated what is illegal cultivation from what is legal; and for that we have the support of the Campesinos. They are also against the illicit cultivation because they come from Inca times, and there were traditional areas for the legal cultivation.

So it is not an introduction of new cultivation, but rather the continuation of a practice that is deeply rooted in the nations themselves. That is why we want to be so clear and so specific, sir, and we respect the legal and the traditional areas of the cultivation of this crop, and we are also very much against and wish to declare very specifically that we condemn the extension of these cultivation areas, because they are illicit and have no linkage

whatsoever with the traditional cultivation areas where it was grown legally. But we wanted you to understand our view. Thank you.

Mr. VALLEJO. Mr. Chairman, I believe that we all agree that what we are trying to do is to eradicate the illicit aspect of this, so I would propose, after eradication, we say "The eradication or elimination of illicit crops."

Mr. VALDA. Perhaps after discussing this with my colleague from Venezuela, Mr. Blanco, we have found a solution that could take into account our own reality.

What we are trying to do is to understand the sensitivities of our own nations and what we can include here is that our countries should work on specific methods for the elimination of the illicit consumption of cocaine and other drugs. You could just put psychotropic drugs.

Our proposal is as follows: Then for the substitution of surplus coca cultivation and the eradication of illegal crops. Now, this formula takes into account two realities. For one group is total eradication, as is the case in Venezuela, because they do not have traditional coca plantations, but for Bolivia, where there are traditional cultivation areas, we have tried to promote the substitution of these surplus fields, and if that does not work, then, of course we must find other ways to eliminate this growth.

It is not only a problem of semantics, rather it is that we must adapt our language to our own reality, and that is why we speak of the substitution of surplus coca production. So that it appears to be redundant, perhaps we are taking into account that reality.

Also, I wanted to tell you, quite frankly and sincerely, that we are quite prepared to sign a statement which includes this substitution.

I have an agreement signed by all the parties of our parliament, discussing five points which would lead to the approval of our law. And this inclusion of this idea of substitution on coca production would hurt our sensitivity and would bring us certain difficulties, and that is why I would be most appreciative if you would take into account this reality of ours. Even Vice President Garrett might accompany us on this. Perhaps this suggestion will go forward. Thank you.

Mr. PELAEZ. Could you repeat your idea slowly?

Mr. VALDA. Our country should propose specific goals during the next few years to eliminate the consumption of cocaine and other drugs, or psychotropic drugs, or psychotropic substances, as well as the substitution of surplus plantations of coca leaf and the eradication of illegal cultivation. So we are saying it in two ways.

Mr. VALLEJO. I believe we have to do two things. First, I believe that the problem is one of the parliamentarians of the Andean countries. It is not with our American colleagues. And we should try to come to an agreement first.

And, second, if we are speaking of the eradication of the illicit plantations, in fact we are saying that that which is illicit should not be eradicated. So, therefore, what the Bolivian says is unnecessary, and it brings us another problem.

This joint statement is simply a general statement. We are not to take this into account in any of our legislation. This is simply a

manifestation of our policy of something that we have to work upon in this long road we are going to be traveling together.

Yes, we must examine our sensitivity, but that is not the objective or the spirit of this statement. If we always put things that have to do with the reality of one country, then we are running the risk of doing something which goes against the others. So let us also have this sensitivity ourselves. If we believe we must discuss this, then we should discuss it. Thank you.

Mr. WEINSTEIN. I don't want to add unnecessary complexity to this discussion, but I think it is important in one respect. One statement was agreed to this morning in conjunction with the Senators who were present. The statement in front of me is in some particulars a different statement. It obviously has to go back—whatever statement comes out of this assemblage, if in fact a statement can, has to go back for review obviously by the Senators who agreed to a statement this morning.

If—I think in fairness, if the compromise language that was agreed to this morning is not acceptable in some fashion, I think it was agreed to precisely in order to allow people to say at home what was most useful to say at home. But if this compromise language is not acceptable, I think maybe it might be simply best to allow the delegation from the Andean Parliament to develop a statement, and those United States Congressmen or Senators who wish to associate with it could do so.

But that way it becomes less forceful, I think, than what all of us had in mind, but, perhaps, regrettably, the only possibility at this particular hour.

Mr. ALCALAY. I have one comment about what Mr. Weinstein said. I think the joint statement should be an open one. It should be open for the signature—it certainly incorporates both elements, as we discussed in the morning and afternoon, Mr. Gilman was with us a long time, and also the reception we had in the morning and also in the afternoon of the different representatives.

I hope these representatives would be able to agree and sign to this joint declaration, and I think that this joint declaration should be able to reflect each others' opinions.

Mr. GILMAN. In formulating this statement, I think we have all tried to recognize some of the sensitivities of what our colleagues are discussing, and we recognize there is concern about ratification, and that is why the verbiage reads "eradication/substitution", and it also reads "for illegal deals and other drugs" so that you take into account all other illegal drugs.

And we are talking about eradication or substitution, and/or substitution, and that is what the slash mark is in my copy that I have before us.

Also note the last sentence. Also, we must develop efficient measures for substitute cultivation and that takes care of the substitute cultivation concern, taking into account the need for an economic base in the place of illicit cultivation.

I think the statement as it reads, takes into account almost all of the sensitivities that our colleague, Representative Valda, has raised for us, and I would hope we could agree on some general statement of this nature.

What I am saying, Representative Valda, is that we focused attention on the need to recognize the sensitivity of a substitute crop and to work out a system of substitution.

We have also put in eradication. It could be eradication and substitution. We are talking about serving the purpose really of illegal cultivation. That cultivation will be spelled out by your own nation as to what is illegal.

Mr. VALDA. Excuse me, Mr. Chairman. The suggestion to add and/or I think would be very useful, and I think would allow us to be correctly interpreted in this issue.

On the one hand we are talking about the eradication of illegal crops or illicit crops and/or the substitution of surplus coca crops, and I think perhaps this could be the solution, the adequate solution, and certainly would allow our concerns to be interpreted.

Are you in agreement? I think we all agree here with our colleagues of Peru and I think in this way this problem could be solved.

Thank you.

Mr. GILMAN. Then Representative Valda, you are suggesting in that paragraph where it reads "consumption of cocaine and other drugs and for the eradication and/or substitution of illegal coca leaf.

But I say illegal. Your nation would be the one to determine what is illegal and what is surplus. You would be determining that.

Mr. VALDA. Yes.

Mr. GILMAN. That would be on illegal production, is that not so?

Mr. VALDA. Yes.

Mr. MILO. Mr. Gilman, for example, if we just leave it like this, with this slash eradication, slash substitution, then I think it will allow for this interpretation, because I do believe that this is much more acceptable the way that it is expressed here. That is to say to talk about the eradication/substitution of et cetera, et cetera.

Mr. GILMAN. We are in agreement with the slash or the and/or. Which is agreeable?

Mr. VALDA. And/or. I think, of course, that this has a lot of meaning. This is why we would like to support the proposal that it should be and/or, and I think this should be contemplated and I think these would complement each other.

Mr. MILO. The problem that exists, and I am sorry I insist on this, but the term then slash substitution is in order to be able to avoid a debate with the Senate, because the Senate insists on the word eradication, and since we have had illicit eradication, then we have the dash between substitution, but if we say and/or it is very vague and we will again have the program with the concepts of eradication.

So I think we should leave it the way it is, and I believe we should leave it with a slash.

Mr. VALDA. Well, do I believe here he has made an interpretation that perhaps will allow us to end this debate. I believe that and/or is not really excluding any alternatives neither by exclusion or it is not complementing that, but I do believe that—I don't know why the and/or could not be included. I think that it certainly clarifies the issue, and I think it could not be really clearly interpreted just with a slash.

Thank you.

Mr. PELAEZ. I would like to mention this. The document as such, has not been substantially filed as far as what the Senators this morning agreed. It is just that today, this afternoon, we have had more time, and we are trying to draft it more adequately, because it is a document that will be distributed to the public, and they demand that those of us who represent them should be able to draft correctly.

For example, in the third paragraph I don't know why we are talking about eradication substitution of the coca leaf. We should have the coca plant, but not the leaf as such. We are going to eradicate the leaf and we are going to substitute the leaf, and then you still have the plant left over, but you have to eradicate the plant. So we cannot really be speaking about coca leaf when talking about the plant as such, the coca plant, or the crops as such.

Now, this paragraph is making reference to two things. Either we can eliminate the consumption and to eradicate the illegal plantation or crop or perhaps it could be drafted, as I say, that the country should have specific goals, et cetera, et cetera, for the reduction of the illegal coca consumption, cocaine consumption.

And also it says, and other psychotropic substances. No controlled substances, or narcotics. Well, we could use more technical terms, and the eradication and/or substitution of crops or the crops that will be used for the production of illegal or illicit drugs. For crops that will be used for the production of illicit drugs, this illicit then will refer to the crops.

As I say, the coca leaf and harvest, for example, you could also include. For the other eradication and substitution of the crops of the illegal or the illicit crops that will be used for the production of illicit drugs.

Honorable Gilman, we would say here eradication and/or substitution of the illegal crops that can be used for the production of illegal or illicit drugs. I think that this will cover everything, and any type of crop that is legal or that can be used for the production of illicit drugs.

So, we are not really changing anything, I think. We are just giving it a more coherent wording, you see.

Mr. VALDA. Illicit production of drugs?

Mr. GILMAN. It would then read in this manner, Mr. Chairman? Would it be cocaine and other drugs and for the eradication and/or substitution of illegal crops that can be used for the illegal production of drugs? Is that right?

Mr. VALDA. Good.

Mr. GILMAN. Then we will go on with the last sentence in that paragraph. Also, we must develop efficient measures for substitute cultivation, taking into account the need for an economic system to replace the one generated by illicit cultivation.

Is that last sentence necessary, or can we strike that?

All right, let's strike that.

Mr. VALDA. It is redundant.

Mr. GILMAN. Is everything else in agreement then?

That next paragraph, can we just make sure we all have that change to read the goal must be to expeditiously eliminate the consumption of drugs in all nations and an equal elimination of the

production of illegal coca leaf, marijuana, opium, and psychotropic substances in all nations.

Are we in agreement?

All right, Mr. Chairman, if there is no objection, I move that we adopt the joint declaration. Everybody is in agreement?

Would you move the declaration, Mr. Chairman?

Mr. PELAEZ. Yes.

Mr. VALDA. Yes. Perhaps you could read it, Mr. Chairman. Maybe you would be so kind as to read again, please, the declaration.

Mr. GILMAN. I am going to read the whole declaration, joint declaration. I think we ought to put this joint declaration by the—what title would you suggest?

Mr. WEINSTEIN. I would say by the representatives of the Andean Parliament and Representatives of the House.

Mr. GILMAN. Of the representatives of the Andean Parliament and representatives of the House Select Committee on Narcotics Abuse and Control.

Mr. WEINSTEIN. If the Chairman wished, I would try by the morning to read this through to Senators D'Amato and Kerry, to be sure they accept the language, and then it would be by the two Senate subcommittees, as well as the House Subcommittee. It would be everyone.

Mr. TRAGEN. Mr. Chairman, the Inter-American Drug Abuse Control Commission, the Chairman is also prepared to sign the declaration.

Mr. GILMAN. So, by representatives of the Andean Parliament, the representatives of the House Select Committee on Narcotics Abuse and Control, the Senate committee—which committee?

Mr. TRAGEN. The Subcommittee on Terrorism, Narcotics, and International Operations.

Mr. GILMAN. The Senate Subcommittee on Terrorism, Narcotics—

Mr. WEINSTEIN. First there is the Senate Committee on Terrorism, Narcotics and International Communications. Also the Senate Caucus on International Narcotics Control.

Mr. GILMAN. And your group?

Mr. TRAGEN. The Inter-American Drug Abuse Control Commission.

Mr. GILMAN. In Washington, DC, on June 21, 1988.

All right, that will be the title at the top. Then the language will read as follows:

Recognizing the mutual interest of the United States of America and the nations of Andean America in reducing the illegal consumption, production, and trafficking of drugs and the menace that organized narcotics trafficking represents for the security and continuation of democracy in our governments, we underscore the importance of declaring the illegal production, traffic and abuse of drugs as a crime against humanity.

We, the signers of this document, pledge to meet yearly in order to define agreement to halt the illegal consumption, production and traffic of drugs and other topics of common interest.

Our nations must define and propose specific goals in the upcoming years for the elimination of the illegal consumption of cocaine and other drugs and for the eradication and/or substitution of illegal crops that can be used for the production of illegal drugs. The goal must be to expeditiously eliminate the consumption of drugs in

all nations and an equal elimination of the production of illegal coca leaf, marijuana, opium, and psychotropic substances in all nations.

We exhort our countries to study and adopt concrete measures to control funds, goods, and other items that have their origins in the illicit traffic of drugs, including money laundering and any other transaction that tends to hide the illicit origins.

The Congress on the United States of America pledges its support to the efforts of the Andean Parliament for the coordination and harmonization of anti-drug legislation in the sub-region. We agree and underscore that all nations should cooperate in providing assistance in order to establish an international strategy and inter-American mechanisms for cooperation in the fight against the illegal production, traffic and abuse of drugs.

Washington, D.C. June 21, 1988.

Mr. WEINSTEIN. Mr. Chairman, knowing that the Board of Directors of the Center include some of your colleagues—Congressman Fascell and Congressman Lagomarsino—would be interested in identifying with this document, would there be any objection on the part of our Andean Parliament members, where you say meeting in Washington, DC, adding with the assistance of the Center for Democracies?

Mr. GILMAN. As part of the title it will read at a meeting in Washington on June 21, 1988—how do you want that worded after that?

Mr. WEINSTEIN. With the assistance of the Center for Democracies.

Mr. GILMAN. Mr. Chairman, I have read the resolution. Are we in agreement?

I move the resolution, Mr. Chairman.

Mr. VALDA. Mr. Chairman, I would just like to make an observation.

Mr. PELAEZ. Here in the title, the heading, when you are talking about the Commission, I think we should say that this is a Commission of the Congress of the United States, Committee of the Congress of the United States.

Mr. GILMAN. We said Representatives of the House Select Committee of Narcotics Abuse and Control. That comprises the members who were here today. The members who participated were Select Committee Members of the House of Representatives.

Mr. PELAEZ. Yes. In effect, because one did not say specifically the Commission or the Committee of the chamber of representatives, or the Senate or the Congress, it was not specific there. So I think in the heading, they should be very clear that this committee is on the Congress of the United States.

Mr. GILMAN. You would like this to say this is an action by the Congress.

Mr. WEINSTEIN. Would it be acceptable in the listing of the three groups, the House group and the two Senate groups, to put somehow a comma, all bodies of the U.S. Congress or some phrase like that.

Mr. PELAEZ. That would be acceptable.

Mr. GILMAN. If you do that you must get approval of 435 members.

Mr. PELAEZ. No, no. It is just when one says, for example, committee, well, committee for such and such an objective, but what is the committee of the chamber, or the Senate, because we have committees in my country.

Mr. WEINSTEIN. It is the House of Representatives committee on such and such, and the Senate committee on such and such. I don't think there will be any confusion. The problem that Congressman Gilman is referring to is that although every member of the House and Senate have faith in every other member, past a certain point, they must bring their actions back to the entire House of Representatives for approval.

If that happens it will never appear again. Not that people won't agree, but it will just be endless discussion and it will be moot. Informality is what I think we are aiming at.

Mr. PELAEZ. Well, perhaps you can read again the heading.

Mr. GILMAN. Let's read the heading again. It reads: "The Joint Declaration by the Representatives of the Andean Parliament and the Representatives of the House of Representatives Select Committee on Narcotics Abuse and Control."

Is that all right?

We are in agreement.

Mr. PELAEZ. Also it said here there should be a yearly meeting.

Mr. GILMAN. Yes. There is a statement that we agree that it will be.

Mr. WEINSTEIN. Pledge to meet yearly.

Mr. GILMAN. The third paragraph says the signers of document pledge to meet yearly in order to define agreement, et cetera.

Mr. PELAEZ. Okay.

Mr. BLANCO. I believe that it is not advisable to put that next meeting shall be held in Washington, because eventually it might be more advisable from the promotional viewpoint that the meeting be held perhaps in some other country or some other place—one of the Andean countries.

That was our suggestion. In other words, we can put that perhaps a meeting can be held—was that what you had suggested, that the group meet in Washington?

Mr. WEINSTEIN. Not at all. The suggestion I made was the group's next meeting should be in one of your countries. Our center helps organize a number of legislative meetings, but our preference is never to have the meeting in the same country twice. You can go back and forth and in this instance, it would be logical for it to be in one of your countries.

Mr. GILMAN. There is no restriction in this language about where they should be held.

Mr. PELAEZ. Fine.

Mr. VALDA. Mr. Chairman, may I speak? A few moments ago we heard from Congressman Gilman his interest on a proposal that had come up in the committee seven of the Andean Parliament on the need for a summit conference among our presidents. We believe that it might be advisable for us to perhaps put a very brief paragraph concerning this suggestion and this possibility.

As we mentioned in PIPA, there would be a need for a meeting of this type. So in a very brief paragraph, we could say, we urge our respective presidents of our nations to promote a summit meeting which would serve to harmonize joint strategies to fight against drug trafficking in very general terms, which would simply state our good will or our hope that such a summit meeting could be held.

Thank you.

Mr. GILMAN. I want to thank the gentleman. I think it is a good suggestion. Did you want to add specific language?

I have that we urge the respective presidents of our nations to arrange a summit meeting. What would you like to see added after that?

Mr. VALDA. Yes.

Mr. GILMAN. What language would you like? A summit meeting for—

Mr. VALDA. I believe that we would exhort them, the heads of state, to have a summit meeting whose main purpose would be the examination of a possible joint strategy to deal with drug trafficking. In other words, stating it in very general terms.

Mr. PELAEZ. A summit meeting to discuss the topic of this joint statement, in other words.

Mr. VALDA. The joint strategies to resolve this problem and that a summit meeting—

Mr. GILMAN. How about this language? We, the respective presidents of our nations to arrange a summit meeting to develop a joint strategy to combat drug trafficking. Is that in agreement?

Mr. VALDA. Agreed. Perfect.

Mr. GILMAN. Should we put that in just before the last paragraph, insert that before the last paragraph. It would come after the paragraph where the Congress of the United States pledges its support to the efforts of the Andean Parliament for the coordination and harmonization of anti-drug legislation in the subregion, and then add this paragraph about we urge the respective, et cetera, et cetera.

Is that agreeable?

Mr. VALDA. Yes.

Mr. WEINSTEIN. Do you want to limit it with trafficking, because we are dealing here with consumption, et cetera.

Mr. GILMAN. To combat drug trafficking, and illicit production.

Mr. WEINSTEIN. How about a joint strategy to deal with the subject matter of this declaration? Or do you want to combat all drug related problems? I don't know.

Mr. GILMAN. Is that agreeable,

Mr. WEINSTEIN. To develop a joint strategy to deal with the subject matter of this declaration, just all encompassing.

Mr. GILMAN. To deal with the subject matter of this declaration.

Now, Mr. Chairman, if there are no further suggestions or amendments, I would move the adoption of the resolution.

Do you want to vote, Mr. Chairman, by the usual manner?

Any opposition?

I want to thank our good colleagues for being so patient and for working out a good declaration. We will take this up with our Select Committee members overnight and we will take it up at the Senate and make sure they are in accord.

If everyone is in accord, then I will leave it up to Mr. Weinstein to release it appropriately.

Thank you very much, gentleman. We look forward to the next annual meeting.

Mr. PELAEZ. Mr. Chairman, Congressman Gilman, thank you very much for your kind reception. Perhaps this joint statement is not perfect, but our intentions were indeed most notable and lofty.

Mr. GILMAN. May I also apologize for my colleagues, many of whom wanted to be with you today, but because of committee business—as a matter of fact, there is a Crime subcommittee marking up a very important anti-drug bill that took a number of our members away from this meeting today. They are engaged in what is known as a markup preparing an anti-drug bill in the Judiciary Committee, the Crime Subcommittee, and they extended their apologies.

Once again, thank you for being with us.

[Whereupon, at 5:10 p.m., the committee was adjourned, subject to the call of the Chair.]

